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FAA-04-17999-4

YAKIMA AIR TERMINAL McALLISTER FIELD

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Document Management Facility
U.S. Department of Transportation
400 Seventh Street, SW., Nassif Building
Room PL-401
Washington, DC 20590-001

Subject: Comments, Document Number FAA-2004-17999; Notice Number 04-09

To whom it may concern:

On behalf of the Yakima Air Terminal, I wish to applaud the actions of the U.S. Congress and Federal Aviation Administration for addressing the long and arduous process of applying for and receiving approval to enact a Passenger Facility Charge program. The streamlining efforts included in the Non-Hub Pilot Program will ease the burden placed on public airports and the FAA in addressing the PFC issues.

I have one concern with the proposed amendment. In new section 158.24, it states "(a) Notice by public agency. (1) A public agency must provide written notice and an opportunity for public comment before: (i) Filing and application with the FAA..."

The projects in which PFC funds are utilized, in one fashion or another, have previously been subjected to public scrutiny either through the Master Plan public hearings, the Airport Layout Plan, or the environmental process (if applicable to the project).

On occasion, airport projects become very controversial. Project opponents, whether they be the "not in my back yard" groups, environmental or other special interest groups are very effective in delaying or stopping needed safety, security and capacity projects, and in most cases, they are successful in increasing project costs making funding more difficult. By 'opening' the funding end of the project for additional public participation, in my opinion, will give the special interest groups additional opportunities to attempt to stop or delay a project.

The intent of the legislation is to streamline the PFC process for Non-hub airports. Negative responses to a public notice from special interest groups could counter any effort to reduce the paperwork and/or the time it takes to get a program approved. In the discussion section of the FR notice (page 32306) under Part 158.27, it states that "The FAA expects that it will publish a notice in the Federal Register only for those applications with significant issues or public controversy." A special interest group could use a negative response campaign to attempt to create the illusion that a project is highly controversial. This would cause further delays, i.e., the timeline it takes for a FR notice and subsequent comment period, then analyzing and acting upon the comments.

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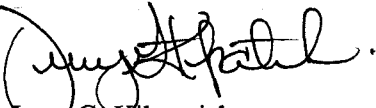
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Determined and motivated project opponents will make every attempt to utilize any system we have in place to their benefit. This ends up costing the taxpayer large sums of money by delaying projects and adding the costs of litigation. If the project has been through the public review process once, let's not increase our costs by giving the special interest groups one more opportunity to stop or delay a project.

Therefore, I would suggest that if the project has previously been subjected to the public review process then the public notice requirement should be waived.

Thank you for the opportunity to comment on this important regulatory change.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jerry G. Kilpatrick", with a stylized flourish at the end.

Jerry G. Kilpatrick
Assistant Manager, Yakima Air Terminal
V.P., Washington Airport Management Association